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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,442	05/22/2000	David A. Jackson	10473-678	2480

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600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,442

Applicant(s)

JACKSON ET AL.

Examiner

Stephen J. Cherry

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 36, 37 and 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 21-35 and 38 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that a computer is required to perform the method described in the elected claims. This is not found persuasive because the inclusion of the phrase in the language of the claim does not establish that the method of the claims could not be carried out by hand. Applicant is directed to U.S. Patent 5,485,410 to Mastromattei, a device which, in use, would perform the claimed method, using a computer.

The requirement is still deemed proper and is therefore made FINAL.

Specification

The disclosure is objected to because of the following informalities: the specification refers to "arrow 30", but "arrow" 30 is not present in the drawing.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2863

Claims 21 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,485,410 to Mastromattei. The claims describe, as would be present in the use of the device of Mastromattei: mounting a first calibration target in a predetermined relationship to the first measuring device of the machine measuring system (in figure 1, the target is the tab on the end of the tape and the first measuring device is the tape); mounting a third measuring device in a predetermined relationship to the second measuring device of the machine measuring system (in figure 1, the third device is the body of the device and the second device is the corner of the device next to the tape); and using a computer, calculating a relative measuring-device position value of the machine measuring system representing the position of the first measuring device relative to the second measuring device based on a position of the first calibration target relative to the third measuring device ('410, 10).

Claims 21-35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2 764 992 to Romain.

Claims 21-35 and 38 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,531,030 to Dale, Jr. The claims describe, as disclosed by Dale, mounting a first calibration target in a predetermined relationship to the first measuring device of the machine measuring system, mounting a third measuring device in a predetermined relationship to the second measuring device of the machine measuring system; and using a computer, calculating a relative measuring-device position value of the machine measuring system representing the position of the first measuring device relative to the second measuring device based on a position of the first calibration target relative to the

Art Unit: 2863

third measuring device ('030, col. 3, line 35), a light source located near one measuring device to direct a light beam at a detector that is located near another measuring device ('030, fig. 1), storing a value that represents the position of the first calibration target relative to the third measuring device as a calibration value; wherein the third measuring device periodically measures a new value that represents a new position of the first calibration target, relative to the third measuring device; and if the calibration value differs from the, new value beyond an acceptable amount, then raising an alert alarm ('030, col. 4, line 22), applying the difference in the calibration value and the new value to update the relative measuring-device position value ('030, col 4, line 4), upon recognizing that the calibration value differs from the new value beyond an acceptable amount, recalculating the relative measuring-device position value ('030, col 4, line 4), storing a value that represents the position of the first calibration target relative to the third measuring device as a calibration value, periodically measuring a new value that represents the position of the first calibration target relative to the third measuring device, if the calibration value differs from the new value beyond an acceptable amount, then raising an alert alarm ('030, col 4, line 4), computing the relative measuring-device position value of the machine measuring system based on: a first relative measuring-device position value that represents a position of the second measuring device relative to the third measuring device, and a second relative measuring-device target position value that represents a position of the first measuring device relative to the first calibration target ('030, col 3, line 35), the second relative measuring-device

Art Unit: 2863

target position value is computed based on a position of the first calibration target relative to a second calibration target ('030, col. 3, line 35), the position of the first calibration target relative to the second calibration target is obtained by using a fourth measuring device which provides information to calculate the position of the first calibration target relative to the second calibration target ('030, col. 3, line 35), the position of the first calibration target relative to the second calibration target is obtained by using an image-capturing device; images of the first calibration target and the second calibration target are provided by placing the first calibration target and the second calibration target in the view of the image-capturing device; and the images of the first calibration target and the second calibration target are applied to calculate the position of the first calibration target relative to the second calibration target ('030, col. 3, line 35), computing the relative measuring-device position value of the machine measuring system while the first measuring device and the second measuring device of the machine measuring system are measuring targets of objects under measurement ('030, col 3, line 35), computing a modified relative measuring-device position value of the machine measuring system while the first measuring device and the second measuring device of the machine measuring system are measuring targets of objects under measurement, and modifying measurements produced by measuring the targets of objects under measurement based on the modified relative measuring device position value of the machine measuring system ('030, col. 4, line 1), the step of modifying measurements produced by measuring the targets of objects under measurement based on the modified relative measuring-device position value of the machine

measuring system is performed only when the modified relative measuring-device position value differs from the relative measuring-device position value by more than a predetermined value ('030, col. 3, line 63), each of the first measuring device, the second measuring device, and the third measuring device is an image-capturing device that performs measurements of objects by capturing images (030, 32, 24), any of the first measuring device, the second measuring device, and the third measuring device is an image-capturing device that performs measurements of objects by capturing images (030, 32, 24).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (703) 305-0425. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S. Hilten can be reached on (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4402 for regular communications and (703) 746-4402 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0719.

Application/Control Number: 09/576,442
Art Unit: 2863

Page 7

SJC
May 19, 2002

A handwritten signature in black ink, appearing to read 'J. Hilten', with a stylized flourish at the end.

**JOHN S. HILTEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**